

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**New Underwood School District
Continuous Improvement Monitoring Process Report 2004-2005**

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Transition Liaison Project

Dates of On Site Visit: October 18 and 19, 2004

Date of Report: November 2, 2004

The New Underwood district did not complete a self assessment prior to the onsite visit. This report reflects the result of the onsite review conducted by the Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Meets requirements

The district's child find activities are implemented annually through a combination of informing the public through newspaper articles, annual screening programs and on-going referrals. Students referred

to the Teacher Assistance Team (TAT) go through a pre-referral process before being tested to ensure proper identification.

There are no private schools or home school children in the district; however, if the situation changes, the district would provide comparable child find activities including the evaluation process

The district uses decision-making procedures to analyze data to determine if the school is making progress toward the state's performance goals and indicators. The most recent data information for the district indicates students made Adequate Yearly Progress (AYP) in math and reading.

The district's special education staff is fully licensed. In addition, the district contracts related service staff that is qualified by being fully licensed or certified.

Out of compliance

ARSD 24:05:17:03 Annual report of children served

The review team was unable to verify that services were being provided to one student listed on the district's 2003 child count. Interview also confirmed there was not an IEP in effect on December 1st of 2003 for this student. The Department of Education will withhold from the district the Individual with Disability Act (IDEA) federal funds for the misclassified student.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Meets requirements

Files reviewed met standards that indicated all students were provided a free and appropriate public education. In addition, the district's comprehensive plan is approved and the district has had no suspensions or expulsions in recent years.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Meets requirements

The school district provides appropriate written notice and obtains informed consent before assessments are administered to a child as part of an evaluation or reevaluation. Files reviewed by the monitoring team indicated that the evaluation procedures and instruments meet the minimum requirements.

Out of compliance

Issue requiring immediate attention

ARSD 24:05:25:04 Evaluation procedures

ARSD 24:05:24.01:05 Diagnostic procedures for autism

Students suspected of autism must be evaluated in all areas related to the suspected disability. The evaluation shall utilize multiple sources of data, including information from parents and other caretakers, direct observation, performance on standardized tests of language/ communication and cognitive functioning and other tests of skill and performance, including specialized instruments specifically developed for the evaluation of students with autism.

A student file review completed by the monitoring team indicated that a reevaluation was completed in the spring of 2002. The disabling condition reported on the child count was not substantiated by documentation within the file. The student's evaluation information did not support meeting the criteria for autism. Information to support specialized instruments developed for evaluation of student with autism was not found in the file. Since the evaluation had been completed by an outside agency, an interview with district staff indicated they assumed appropriate autism evaluations were completed.

The district must reconvene this student's IEP committee and determine what autism evaluation is needed to determine eligibility for special education or special education and related services.

Issue requiring immediate attention

ARSD 24:05:24.01:18 Specific Learning disability defined

Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The terms do not apply to students who have learning problems that are primarily the results of visual, hearing, or motor disabilities; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantages.

Through a student file review and interviews with district staff, the monitoring team determined there is a child, who was identified in November 2003, as a student with a learning disability, who does have a severe discrepancy between their achievement and intellectual ability. However, the IEP team documented conflicting information in regard to determining that the student's problem is not the primary the result of visual, hearing or motor disabilities; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantages. Documentation found in the file supports a visual impairment.

Specific information regarding this student has been provided to special education administration and staff. The student's IEP team must meet and resolve the issue identified.

ARSD 24:05:25:04:02. Determination of needed evaluation data

As part of the evaluation, the individual education program team and other individuals with knowledge and skills necessary to interpret evaluation data determine whether the child has a disability, and determine whether the child needs special education and related services, as appropriate shall review existing evaluation data on the child, and based on the review and input from the student's parents, identify what additional data if any are needed to determine whether the student qualifies for special education services.

The review team found in three of six files reviewed the district had not gathered parental input into the evaluation process. The district does have a form for obtaining parental input; however, the use of the form was not consistent nor was there a date on the form. Interviews with staff indicate that the form is

sent to parents but not always returned. Prior to the evaluation, special education staff makes contact with families for input either by phone or in person, but these efforts are not documented.

ARSD 24:05:25:04(5) Evaluation procedures

School district shall ensure, at a minimum, that evaluation procedures include the following. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child including information provided by the parents to determine eligibility and the content of the IEP.

Through a review of student records, in four of seven files the monitoring team did not find functional assessment. The district staff did not consistently include functional information in the evaluation process by gathering, analyzing and developing a written summary of strength and needs for specific skills areas affected by the student's disability. The student's present levels of academic performance, their progress in the general curriculum or development of annual goals and short-term instructional objectives therefore did not link to evaluation.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Meets requirements

The district policy and individual education programs reviewed by the monitoring team indicate the parents are notified of their rights. The district's comprehensive plan indicates, as appropriate, the district would appoint a surrogate parent to ensure the rights of the child are protected if no parent can be identified.

The district has policies and procedures in place for responding to requests for due process that ensure compliance. No complaints have been filed in recent years and there are policies in place.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Meets requirements

Documentation found in student files by the monitoring team supports that written prior notice is provided for IEP meetings, and includes all required content. The district uses the IEP form recommended by the state to ensure the document contains all required content. All policies and procedures for proper IEPs are in effect.

Needs improvement

Administrative rules state that transition planning must begin at age 14, with transition services beginning at age 16 or earlier if appropriate. Students need to be fully involved in the planning process, taking into account student preferences and interests. The review team completed a file review of four students who were age fourteen and older. File reviews indicated an improvement in the transition process since technical assistance was provided last school year. Although students are invited to IEP meetings, they are not choosing to be in attendance. The district needs to be proactive to involve students in their IEP meetings. Transition assessment conducted was minimal. It is recommended that a wider variety of assessments be used to reflect the student's interests and needs, which should result in a coordinated set of transition activities. Interview with staff education teacher indicated that contact with outside agencies to assist with transition service has been minimal. This needs to be improved upon to assure a smooth transition for all students to adult life.

Out of compliance

Issue requiring immediate attention

ARSD 24:05:30:16.01 Transfer of parental rights

Consist with the state law, when a child with a disability reaches the age of majority that applies to all children, except for an eligible child who has been determined to be incompetent, the following shall occur: (1) the district shall provide any notice required by the this article to both the individual and the parents; (2) all other rights according to parents under this article transfer to the child; and (3) all rights according to parents under this article transferee to children who are incarcerated in an adult or juvenile, state, or local correctional institution.

The IEP team is required to address the transfer of rights to a student one year prior to turning eighteen. The review team noted in one file the student is seventeen and transfer of rights had not occurred.

The district must reconvene this student's IEP committee and document that the transfer of rights was discussed with the parents and student.

ARSD24:05:27:01.01 Team membership

The district shall ensure the IEP team for each student includes parents, administrator, special education, regular education and other individuals who have knowledge or special expertise regarding the student. In all initial and reevaluation files reviewed by the monitoring team, no documentation was found to support the presence of an individual who can interpret the instructional implication of the evaluation results at the student's IEP meeting. Staff interviews indicate they did not have the expertise to explain evaluation results, nor was the school psychologist in attendance to interpret results.

ARSD 24:05:27:01.03(1)(2) Content of individualized education program

Each student's individualized education program shall include: (1) A statement of the student's present levels of educational performance, including: (a) how the student's disability affects the student's involvement and progress in the general curriculum or (b) for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to: (a) meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum; and (b) meeting each of the student's other educational needs that result from the student's disability.

In ten of ten files reviewed the present levels of performance were missing required content. In four student files, the present levels of performance were not skill specific and did not identify the student's strength and weaknesses in his/her disability areas. In six other student files, there was no statement as to how the student's disability impacted their progress in the general curriculum and no parental input.

In three student files, annual goals and short term objectives were not measurable. Example: “Student will improve receptive and expressive language to a more age appropriate level by mastering 75% of his/her objectives,” short-term objectives example, “___ will feed self independently with feeding utensil 80% of the time.”

ARSD 24:05:27:01.03(7) Content of individualized education program

Each student’s individualized education program shall include: (7) A statement of : (a) how the student’s progress toward the annual goals described in this section will be measured; and (b) how the student’s parents will be regularly informed at least as often as parents are informed of their nondisabled student’s progress of: (i) their student’s progress toward the annual goals; and (ii) the extent to which that progress is sufficient to enable the student to achieve the goal by the end of the year.

The monitoring team concluded through staff interviews that progress toward annual goals was reported to parents; however, a copy was not found in the all files. Also through interviews with staff, it was noted parents of non-disabled students are informed eight times per year of their child’s progress. Progress toward student’s IEP annual goals are only report to parents quarterly.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Out of compliance

ARSD 24:05:28:01 Least Restrictive Environment

Children in need of special education or special education and related services shall be provided special programs and services to meet individual needs, which are coordinated with the regular education program whenever appropriate. Removal from the regular educational classroom may occur only when the nature or severity of the child’s needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Interviews with special education staff indicated that they were unclear as to the information needed in a justification statement. In the majority of student files reviewed by the monitoring team, it was found that the placement committee does not provide a written description of the options considered and the reasons why those options were rejected for each placement alternative considered for the student. A written description of the option accepted and reasons why the option was accepted was not documented.

Observations conducted by Monitoring Team

Two observations were set up by the district. The first observation took place in the special education preschool classroom. Services are given on off kindergarten days, which make it possible for the district to use that classroom. Two children were observed in the classroom with their teacher and an occupational therapist.

The second observation took place in a regular education classroom. A student who has a visual disability was observed using the Clarity Desk Mate Closed Circuit Television. This device has made it possible for the student to be included in the general classroom.